



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/20/2025

U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

February 19, 2025

By ECF

Hon. Stewart D. Aaron
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Burton, et al. v. United States of America, et al.*, No. 18 Civ. 2039 (JHR) (SDA)

Dear Judge Aaron:

This Office represents the remaining defendants (the “Government”)¹ in this case, which arises from the death of Franklin Sanchez, a Colombian national who died while in custody at the MCC in March 2015. The case is before Your Honor for all general pretrial matters. Dkt. No. 144. We write respectfully, on behalf of all remaining parties, to request a settlement conference and a temporary stay of discovery so that the parties can explore the possibility of settlement before incurring the costs associated with completing expert depositions.

The parties have completed fact discovery and Plaintiff served an expert report on January 19, 2025. Defendants served an expert report in 2019 and, in accordance with the current schedule, *see* Dkt. Nos. 172, 173, plan to serve a rebuttal report by February 20, 2025. Expert discovery is scheduled to close by March 20, 2025. With the benefit of completed fact discovery and expert reports, the parties believe that they will be well positioned to engage in informed settlement negotiations that may lead to a consensual resolution of the case, potentially without the need to conduct expert depositions between February 20 and March 20, 2025.

Accordingly, we respectfully request that the Court schedule a settlement conference sometime after Defendants serve their expert rebuttal report. We further respectfully request that the Court stay discovery (in essence, the deadline to complete expert depositions and for any motion practice on spoliation) while the parties pursue settlement discussions, to conserve attorney and judicial resources and avoid potentially unnecessary further expenditures on experts, court reporters, and other litigation expenses.

¹ Specifically, this Office represents defendant the United States of America, which is sued under the Federal Tort Claims Act, and defendants Anthony Bussanich, Robert Beaudouin, Ysmael Joaquin, Kimberly Shivers, Lorenzo Barazza, Gerald Castillo, Wilson Silva, Quentin Holzendorf, Terrance Thomas, Rosalind Silvia, and Shaadiq Shakir, who are current or former employees of the Bureau of Prisons sued in their individual capacity under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971).

We thank the Court for its consideration of this request.

Respectfully,

MATTHEW PODOLSKY
Acting United States Attorney for the
Southern District of New York

By: /s/ Mollie Kornreich
MOLLIE KORNREICH
BRANDON H. COWART
Assistant United States Attorneys
86 Chambers Street, Third Floor
New York, NY 10007
Telephone: (212) 637-2693/3274
E-mail: brandon.cowart@usdoj.gov
mollie.kornreich@usdoj.gov

cc: By ECF
Plaintiffs' Counsel

Application GRANTED. The parties are directed to appear for a settlement conference on Friday, March 7, 2025, at 10:00 a.m. in Courtroom 11C, United States Courthouse, 500 Pearl Street, New York, NY 10007. The parties must comply with the Settlement Conference Procedures for Magistrate Judge Stewart D. Aaron, available at <http://www.nysd.uscourts.gov/judge/Aaron>. Please note that Section 4 of the Procedures requires counsel for each party to send a pre-settlement conference letter no later than 7 days before the conference (*i.e.*, Friday, February 28, 2025). Discovery in this action is stayed pending completion of the settlement conference.

SO ORDERED.

Dated: February 20, 2025

Stewart D. Aaron